

REMARKS

Claims 1-17 are pending in this application.

Claims 1-2, 5, 7-9, and 12-13 have been amended to overcome the Examiner's rejections to some of the language in the claims.

Several specification paragraphs have also been amended to correct minor language errors. Figure 6A has been amended to add omitted element 87 and Figures 15A and 15B have been added to the application to depict the brush and pad paint applicator embodiments disclosed in the specification. No new matter has been added to the application by way of these amendments.

The Examiner's grounds for objecting to and or rejecting the application specification and claims are overcome or are traversed as set forth below.

I. THE RESTRICTION REQUIREMENT

The Examiner required restriction of the invention. The Applicants withdraw non-elected claims 18-41 from consideration in this application.

II. THE DRAWING OBJECTION

The Examiner objected to the drawings because reference character 87 is not identified in the drawings, and because the drawings do not depict the "brush" and the "pad" of claims 3 and 14.

The first part of this objection has been overcome by amending the drawing to show reference character 87 in Figure 6A.

The second part of this objection is overcome by presenting new Figures 15A and 15B to the Examiner for approval. Figures 15A and 15B are "brush" and "pad" applicators useful in this invention. The specification has been amended to include a description of Figures 15A and 15B. The Figures and description do not add new matter to the application because the brush and pad applicators were adequately described in the specification when it was filed.

III. THE SPECIFICATION OBJECTIONS

The Examiner raised objections to several specification inconsistencies. The Examiner's objections have been overcome by amending the specification to remove the specification inconsistencies.

IV. THE 35 USC 112, 2nd ¶ REJECTION OF CLAIMS 1-17

The Examiner rejected claims 1-17 under 35 USC 112, 2nd ¶ for being indefinite. The Examiner's objection has been overcome, for the most part, by amending the claims as suggested by the Examiner to eliminate the indefinite claim features.

Claims 11 and 13 were not amended as suggested by the Examiner to remove reference to an annular first open end of cap 70 from the claims. The specification at page 10, lines 24-26 refers to a to having an annular wall defining a first open end. Moreover, Figures 5A-5C show the annular wall feature of the cap. For this reason, the Applicants traverse the Examiner's rejection of claims 11 and 13 under 35 U.S.C. § 112 ¶ 2.

V. TRAVERSE OF THE ANTICIPATION REJECTION OF CLAIMS 1-5 AND 7-16

The Examiner rejected claims 1-5 and 7-16 for being anticipated by Coombs (USP No. 2,582,861).

Coombs does not anticipate claims 1-5 and 7-16 for several reasons. One reason Coombs does not anticipate claims 1-5 and 7-16 is because Coombs does not disclose the use of a "resilient bottle"

The "resilient bottle" is described, in part, in the specification at page 7, line 23 through page 6, line 12. An important feature of the claimed "resilient bottle" is that it is "resilient enough to return to its original form after being squeezed." (Page 7 line 29 to page 8, line1).

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The Coombs patent does not disclose the use of a resilient bottle. According to Coombs, tube 12 is a "collapsible container or tube 12 . . ." (Col. 2, lines 5-10). Moreover, tube 12 shown in the Figures is of the type that one would understand to irreversibly collapse. For at least this reason, Coombs does not anticipate claims 1-5 and 7-16.

VI. TRAVERSE OF THE OBVIOUSNESS REJECTION OF CLAIMS 6 AND 17

The Examiner rejected claims 6 and 17 for being obvious over Coombs.

Claims 6 and 17 are not obvious for the same reasons as set forth in Section V above. Namely, Coombs does not disclose a resilient bottle.

Moreover, the size of the resilient bottle opening as set forth in claims 17 is not obvious

from Coombs. The resilient bottle opening is of a size, according to the specification, that is sufficient to allow the user to fill the resilient bottle with paint without significant spillage. (See specification page 8, lines 20-27).

The Coombs reference on the other hand is silent about the size of the tube opening. Nor, for that matter is Coombs concerned with filling a tube that is fillable by the user. Therefore, there is no disclosure or suggestion in Coombs that would lead one of ordinary skill in the art to select the bottle opening size of claim 17 and the Examiner's obviousness rejection of claim 17 should, therefore, be withdrawn.

CONCLUSION

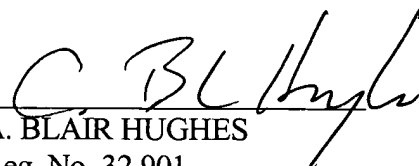
For the reasons set forth above, claims 1-17 are believed to be presently patentable. Favorable reconsideration and allowance of all pending claims is, therefore, courteously solicited.

Respectfully submitted,

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